



## PLANNING COMMISSION MEETING MINUTES

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**City Council Chamber**  
200 Old Bernal Avenue, Pleasanton, CA 94566

**APPROVED**

**Wednesday, July 24, 2013**

*(Staff has reviewed the proposed changes against the recorded proceedings and confirms that these Minutes are accurate.)*

### **CALL TO ORDER**

The Planning Commission Meeting of July 24, 2013, was called to order at 7:00 p.m. by Chair Jennifer Pearce.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Commissioner O'Connor.

### **1. ROLL CALL**

Staff Members Present: Brian Dolan, Director of Community Development; Janice Stern, Planning Manager; Julie Harryman, Assistant City Attorney; Steve Otto, Senior Planner; Jenny Soo, Associate Planner; Shweta Bonn, Associate Planner; Kaushik Bhatt, Associate Engineer; and Maria L. Hoey, Recording Secretary

Commissioners Present: Commissioners Nancy Allen, Greg O'Connor, Arne Olson, Jennifer Pearce, Mark Posson, and Herb Ritter

Commissioners Absent: None

### **2. APPROVAL OF MINUTES**

#### **a. July 10, 2013**

**Commissioner Ritter moved to approve the Minutes of July 10, 2013 as submitted. Commissioner Olson seconded the motion.**

**ROLL CALL VOTE:**

AYES: Commissioners Allen, O'Connor, Pearce, and Ritter.  
NOES: None.  
ABSTAIN: Commissioners Olson and Posson.  
RECUSED: None.  
ABSENT: None.

The Minutes of the July 10, 2013 meeting were approved as submitted.

**3. MEETING OPEN FOR ANY MEMBER OF THE AUDIENCE TO ADDRESS THE PLANNING COMMISSION ON ANY ITEM WHICH IS NOT ALREADY ON THE AGENDA**

There was no one in the audience wishing to address the Planning Commission.

**4. REVISIONS AND OMISSIONS TO THE AGENDA**

Janice Stern advised that there were no revisions or omissions to the Agenda.

**5. CONSENT CALENDAR**

Consent Calendar items are considered routine and will be enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from the Planning Commission or a member of the public by submitting a speaker card for that item.

Chair Pearce indicated that she has one speaker card for Item 5.b., P12-1718, Radha Sharma/AT&T Mobility, and would like to bifurcate Item 5.a., P13-2023, Golden State College of Court Reporting and Captioning, and vote on that as a Consent Calendar item, and then proceed with Item 5.b. She advised that the Commission could either have staff present a brief staff report or just have the speaker come forward. She added that Commissioner Allen would be recusing herself for this item due to a conflict of interest.

Ms. Stern stated that staff could present a report if the Commission wishes, or it can just hear the person.

- a. **P13-2023, Golden State College of Court Reporting and Captioning**  
**Application for Conditional use Permit to operate a college for adult education at 7901 Stoneridge Drive, Suite 105. Zoning for the property is C-R(p) (Regional Commercial – periphery) District.**

Commissioner Olson moved to make the required Conditional Use Permit findings as listed in the staff report and to approve Case P13-2023, subject to the Conditions of Approval listed in Exhibit A of the staff report. Commissioner Allen seconded the motion.

**ROLL CALL VOTE:**

**AYES:** Commissioners Allen, O'Connor, Olson, Pearce, and Ritter.  
**NOES:** None.  
**ABSTAIN:** None.  
**RECUSED:** None.  
**ABSENT:** None.

Resolution No. PC-2013-38 approving Case P13-2023 was entered and adopted as motioned.

- b. **P12-1718, Radha Sharma/AT&T Mobility**  
**Application for Design Review approval to construct a 60-foot tall pine tree antenna and an approximately 17-foot tall, 276-square-foot equipment platform behind the building located at 1056 Serpentine Lane. Zoning for the property is PUD (Planned Unit Development – Industrial) District.**

Commissioner Allen recused herself due to a conflict of interest.

Chair Pearce asked the Commissioners if they were comfortable with not having the staff report but opening the public hearing for the one speaker, or if they wanted a staff report.

Commissioner Olson replied that he was fine with skipping the staff presentation and listening to the speaker.

**THE PUBLIC HEARING WAS OPENED.**

Chris Studzinski stated that he understands that AT&T needs to put a tower up to gain reception for their customers. He indicated that he has Verizon and that he has no problem getting service, and so his first thought was that AT&T could piggyback with Verizon, just as Verizon piggybacked with other cell carriers to get coverage when it was expanding. He noted that it a common practice and questioned why nobody addressed that; that AT&T just had to do it and that it was open to putting it somewhere else except that it had already spent a lot of money surveying this particular site.

Mr. Studzinski stated that the reason he does not like this is because it is too close to his building, and he is there working ten to eleven hours every day. He indicated that his employees are concerned about it and do not want to take their breaks outside because they do not want to have the antenna radiating on them. He stated that it is supposed to be safe and that AT&T representatives will march up and show all their documents and charts and say it is all good and all safe.

Mr. Studzinski stated that AT&T does not have to have its wireless antenna right there and could maybe put its facility somewhere else, closer to the railroad tracks that run along there, closer to the Transfer Station, closer to the City's Operations Services Center, or closer to Shadow Cliffs. He mentioned that he sometimes goes up on his roof where he has his air conditioners and other equipment, where he would be at eye level with the facility, and is concerned about the radiation and if that is going to be a bad thing. He then questioned if there would be a third party monitoring the output of this antenna on an ongoing basis to make sure the levels do not exceed what is safe. He also expressed concern about the children in the gymnastics program down below in that same building, where the children work out right there by the roll up door.

Mr. Studzinski stated that he understands there is an ordinance that was adopted in 1998 to protect schools, daycare centers, parks, and some residential within 300 feet of a wireless facility. He indicated that there is a Federal law that overrides City and State wishes to not have wireless facilities around, so Pleasanton came up with this aesthetics ordinance that prohibits cell towers within 300 feet of a school to protect the children.

Mr. Studzinski stated that prior to this application, AT&T attempted to put a cell tower on the Balch buildings but failed because it was within 300 feet of the Quarry Lane School, which is not really a school but a daycare facility. He added that he thinks this is the true heart of the ordinance; so in that same vein, he questioned why nobody is concerned about the children at West Coast Gymnastics and even smaller children at the music school located kitty corner from his building. He then pointed out that this would negatively affect the value of his property, and he just wanted to make sure that he does not get negatively impacted in that regard down the road.

Mr. Studzinski reiterated that the ordinance was created out of concern for children's health and that there are children doing gymnastics right under the proposed cell tower and children at the music school located less than 150 feet away. He requested the Commission to be consistent, protect the children, and move the cell tower somewhere else.

Radha Sharma, representing the Applicant, thanked the Commission for taking the time to hear AT&T's proposal and stated that she wanted to address some of the concerns expressed by citizens including the previous speaker. She indicated that AT&T also does want to co-locate with other carriers; however, they developed this proposal because there was nothing within the defined search of the AT&T engineer that would

allow AT&T to co-locate and also reduce the significant gap in coverage that currently exists within the area.

Ms. Sharma stated that AT&T also looked at alternatives sites within the area where its tower could be located, but there were a couple considerations that came into play with that issue, such as the City's ordinance that requires setbacks: there are residences to the west that AT&T needed to stay away from, as well as the Quarry Lane School to the northeast that is within 300 feet of the site. She indicated that there was no other less intrusive area within this commercial complex that would reduce the significant gap in the coverage.

With respect to the Electromagnetic Field (EMF) concerns, Ms. Sharma stated that AT&T cannot speak to that but that an independent third party report was prepared, and a representative from Hammett & Edison, the company that conducted the review, is present to speak on any Radio Frequency (RF) concerns as well as answer any questions regarding the report. She respectfully asked the Commission to approve the project.

Dane Ericksen, P.E., Senior Engineer with Hammett & Edison, Inc., project consultant, stated that his firm conducted the RF Safety Study for this site. He indicated that the site complies with Federal guidelines for exposure to radio frequency energy: the maximum ground level anywhere on the ground from this site, if all the antennas were on at the same time, would be .014 milliwatt per square centimeter, which is 2.7 percent of the public limit and 50 times under the public limit for the general exposure. He added that the maximum on the roof of the adjacent building would be 4.6 percent of the public limit, which, again, is in compliance with Federal Communications Commission (FCC) guidelines for human exposure to radio frequency energy. He noted that the nearest residence is about 500 feet away, and the maximum at that residence would be about 1.1 percent of the public limit.

#### **THE PUBLIC HEARING WAS CLOSED.**

Chair Pearce asked staff to speak on the City's limitations regarding the Telecommunications Act of 1996.

Julie Harryman stated that this matter is addressed in the staff report, but for the benefit of the audience, she explained that the Federal government has dictated what levels are allowable with regard to RF emissions, and while cities cannot regulate those levels, cities can require a report from the provider, and in this case, AT&T hired a consultant do the study. She noted that as the Commission just heard from the consultant, the study determined that the RF exposure is well below the amount allowed by the Federal government at essentially anywhere between 1.1 percent and 4.6 percent of that amount. She added that the City also hired a consultant out of Southern California and had him conduct a peer review of that RF study, and the City's peer review consultant confirmed the findings of the Hammett & Edison consultants.

Chair Pearce thanked Ms. Harryman.

**Commissioner O'Connor moved to approve Case P12-1718, subject to the Conditions of Approval listed in Exhibit A of the staff report. Commissioner Olson seconded the motion.**

Commissioner O'Connor noted that the percentages are so incredibly low; unfortunately, no one wants to have the tower anywhere near them, probably more because of the unknown. He stated, however, that without these cell towers, there would be no cell phones anywhere. He added that he understands the City's 300-foot guideline around children, but the Federal government also has its say for cell facilities.

**ROLL CALL VOTE:**

**AYES: Commissioners O'Connor, Olson, Pearce, Posson, and Ritter.**  
**NOES: None.**  
**ABSTAIN: None.**  
**RECUSED: Commissioner Allen.**  
**ABSENT: None.**

Resolution No. PC-2013-39 approving Case P12-1718 was entered and adopted as motioned.

Commissioner Allen returned to the dais and rejoined the meeting.

**6. PUBLIC HEARING AND OTHER ITEMS**

**a. PUD-84, Frank Berlogar**

**Work Session to review and receive comments on an application for Planned Unit Development (PUD) Development Plan approval to subdivide an approximately 37.4-acre site located at 88 Silver Oaks Court, in the Vineyard Avenue Corridor Specific Plan Area, into up to four lots consisting of three new single-family lots for custom homes and one lot with the existing residence. Zoning for the property is PUD-HR/OS (Planned Unit Development – Hillside Residential/Open Space) District.**

Jenny Soo presented the staff report and described the scope, layout, and key elements of the proposal.

Commissioner O'Connor inquired if Alternative 1 is a hammerhead or a court.

Ms. Soo replied that it is a bubble. She added that very tall retaining walls, almost the height of a freeway sign, would need to be constructed between the properties; trees would be removed; and significant grading would be required.

Commissioner Allen inquired what the habitable square footage of other homes in the area are.

Ms. Soo replied that there are three tract homes and production homes – two built by Greenbriar Communities and one by Centex Homes. She indicated that the total building area for each Centex Homes tract averages 4,500 square feet to 8,900 square feet; and the Greenbriar Homes are almost 5,000 square feet to 5,600 square feet.

Commissioner Allen inquired if staff had the sizes of the Silver Oak homes.

Ms. Soo replied that the homes range from 3,500 square feet to 4,700 square feet, and the total building area ranges from 4,400 square feet to about 5,600 square feet.

Commissioner O'Connor inquired what the average lot size is.

Ms. Soo replied that the smaller one is 19,430 square feet, which is less than a half-acre.

Commissioner Posson inquired which Alternative best addresses the neighbors' concerns.

Ms. Stern replied that the neighbors would have to speak on which of those Alternatives they think best addresses their concerns. She noted that all the Alternatives were designed so that the road was on the other side of the development and, therefore, addressed all of the concerns about privacy, headlights from cars, and other similar issues. She added that Lot 2, which is currently just about the peak of the hill, was brought down the hill slightly to address some of their concerns.

Commissioner Posson requested confirmation that staff then does not know whether or not either of these Alternatives would be acceptable to those individuals.

Ms. Soo replied that the neighbors have received all the information, and one neighbor, a resident of Pietronave Lane, came in and indicated that he definitely did not like the three-lot Alternative, Option 1, and that he was not sure which option he preferred. He also requested that the Commission not make a decision tonight.

Commissioner Posson noted that the Slope Classification Map on Exhibit B indicates that there are some slopes greater than 20 percent. He inquired if there are any greater than 25 percent, that is, if there is any implication with Measure PP in this area.

Mr. Dolan said no.

Chair Pearce inquired if there is any indication in the Vineyard Avenue Corridor Specific Plan (VACSP) as to the location of the road.

Ms. Stern replied that it just shows where the road is and where it ends.

Chair Pearce noted that some of the Commissioners have not had the opportunity to have the discussion about stepping homes versus the flat pad and the differences in the elevations and asked staff to speak to the visual impact of the stepped homes at 40 feet versus the 30 feet.

Ms. Stern replied that the main difference is that less grading is required when the homes are stepped so a more natural slope can be maintained. She noted, however, that when this is done, the house sort of cascades down the slope and can create some areas where there is a visual experience of the house being taller than if it were on a flat pad.

Commissioner O'Connor asked staff to speak to staff's preferred layout and if staff's concern is mostly with heritage trees.

Ms. Stern replied that the originally proposed layout does not touch any of the trees. She noted that maintaining the natural appearance of the hillside with the trees goes a long way in satisfying the objectives of the Specific Plan.

Mr. Dolan noted that if this proposed project is looked at independently of other projects in the neighborhood, it is probably the most sensitive to the land.

Commissioner O'Connor inquired if all the heritage trees are oak trees.

Ms. Stern said yes.

#### **THE PUBLIC HEARING WAS OPENED.**

Frank Berlogar, Applicant, stated that he lives on the property and that when he started looking at submitting an application for the three-lot hillside residential development, he came to the conclusion that it was not possible to get three lots up there and have it look reasonable, as it would be too massive and have too much of an impact. He indicated that he made a number of decisions: first, to apply for two lots instead of three; and second, to put the road between the new homes and the existing homes to avoid the backyard-to-backyard impact on neighbors, which would be a more sensitive approach.

With respect to the oak trees, Mr. Berlogar stated that he loves the oak trees and that they were the main reason he bought the property. He indicated that he really wanted to maintain the trees and that he believes the initial application for the two lots is the best plan for that site and would like consideration on that. He indicated that the architect who developed the design guidelines for the existing Silver Oak homes and developed the design guidelines for these proposed two homes as well as prepared the photo simulation is present tonight to answer any questions the Commission may have.

Joseph Gorny, Project Consultant, stated that he is available to answer any questions regarding the photo simulations.

Gevan Reeves, neighbor, stated that he was present tonight with three other neighbors who are members of the Homeowners Association, and he was speaking on behalf of the homeowners. He noted that reading through the VACSP, it is apparent that hillside residential is set to a higher standard than other homes in the development area, with specific expectations and requirements. He indicated that he and his neighbors all moved into their homes recently and had an expectation that the Vineyard Avenue Corridor Specific Plan would govern the development of both the proposed Berlogar development and all future developments in the area, on both the intent and letter of the Specific Plan. He noted that there are two other hillside residential areas in Berlogar's parcel that could be developed in addition to what is being shown today, and another hillside residential. He expressed concern not just for this proposed property but also for future development.

Mr. Reeves stated that he had sent a letter to the Commission, which is included in the packet. He indicated in that letter that the proposal to move one of the homes out of the proposed designated development area to the top of the hill violates both the spirit of the VACSP as well as two factual items. He noted that the VACSP states: "*The purpose of this designation [of hillside residential] is to allow for a clustering of homes in well-defined areas of the hills in order to preserve significant natural features such as ridgelines, hilltops, oak woodland, creeks, and steep slopes. Open space land surrounding the HR district is to be permanently preserved.*" He stated that the location of the home is being moved from a designated development area to the top of a hill, which has been designated as open space, and 25 feet of the hill would be lopped for the house. He added that they too love the oak trees and that environment, and they are not advocating tearing down oak trees by any measure. He stated that with respect to hillside residential, the VACSP states: "*in HR areas, all home sites must be located within the designated development areas as generally depicted on the land use plan. Lot lines may extend into land designated as Open Space, but primary residential buildings and residential accessory structures may only be sited within the designated development areas.*"

Mr. Reeves stated that there was a discussion in the past about this, and he did not see that in the packet. He added that there was also a staff memo to the Planning Commission in 2006 indicating that staff had consulted with Wayne Rasmussen, former Principal Planner and Project Planner for the Specific Plan, and Wayne had stated that due to the environmental constraints of the hillside residential areas, house locations were meant to be fairly precise as represented by the 'blobs.' He noted that he thinks that is contrary to what was mentioned today. He added that he had sent an email regarding PUD-32, which was not included in the packet, and there was also a consideration for PUD-54 in which staff had since discovered that the VACSP and the EIR restrict construction from occurring within 100 feet of the center on jurisdictional waters of the U.S. He indicated that he believes because this is a drainage way, an EIR impact necessitated alternative considerations, and there is a Specific Plan, a related

EIR, and a Mitigated Negative Declaration plan that says the homes must be in the designated development area. He added that one of the arguments in this case, and in previous cases, is what the “blobs” mean.

Mr. Reeves stated that the relocation or expansion of the proposed development contemplates a deviation of 103 feet in horizontal distance and over 50 feet elevation to the top of the hill, and a 25-foot partial flattening of the top of the hill. He indicated that to allow for this deviation of the designated development area would amount to a *de facto* amendment of the Specific Plan. He added that staff had indicated that there was some discretion to approve deviations from the designated development area; however, staff's interpretation ignores the next sentence of the Specific Plan that expressly limits the flexibility by clearly stating that all primary residential buildings and residential accessory structures may only be sited within the designated development areas, that the lot lines can extend out but the buildings must be in that area.

Mr. Reeves state that he does not know if the scale on the visual photos are accurate as they show 12-foot tall retaining walls, and 30-foot tall buildings as basically a half inch. He added that the Alternatives, and primarily the first Alternative was fairly transparent to make the Alternatives look as offensive as possible so as to go back to the desired plan and raise questions such as why the trees have to be destroyed, why the building has such a large envelope and if it needs to be flat. He stated that this is hard to visualize by looking at photos and invited the Commissioners to come visit the site and take a look at what the neighbors are trying to visualize.

Colin Proudfoot stated that he has lived on the lot marked No. 2 for 14 years, before any of the development on the hill. He concurred that any Alternative that destroys the heritage oaks that are hundreds of years old on that property would be a travesty, and noted that the initial application does not destroy the oaks while all the Alternatives do. He indicated that he believes there may be a compromise solution that would improve the visual impact to the Silver Oaks residents as opposed to the ones in the plan that shown today. He noted his objection to any Alternative that takes the road from the initial proposal between the Silver Oaks properties and his property and runs directly along his property line. He further objected to the proposals that locate the pads within 30 feet of his property line, moving them next to his property rather than somewhere in the middle, again to pacify the Silver Oak residents. He indicated that he thinks that would be unfair. He added that he believes there should be a solution that would lower the heights of the pads without major grading, taking out any of the trees, and meet everybody's concerns.

Terry Kingsfather stated that the other speakers have covered pretty much everything he wanted to say.

Mr. Berlogar stated that he just wanted to cover one topic: the location of the "blobs" and how accurate and specific those really are. He indicated that he had his AutoCAD operator overlay the Specific Plan on a Google photo, and most of the existing homes are not correctly identified, with one of the homes shown on the other side of the street.

He questioned how anything can be that accurate if the locations of the existing homes are not accurate on the Plan.

#### **THE PUBLIC HEARING WAS CLOSED.**

Commissioner Olson asked staff if they feel the visuals in the packet are pretty accurate.

Ms. Stern replied that when scale is considered, one tries to adjust it to normal vision, and that is very subjective; something that is sort of annoying on the horizon is focused upon and deemed to be bigger on the photo. She referred the matter to Mr. Gorny, who could talk to whether or not this was taken with a normal lens that would try and capture how the eyes would see this and explain that a little bit better.

#### **THE PUBLIC HEARING WAS RE-OPENED.**

Mr. Gorny stated that what his team did was overlay some conceptual house plans over the grading plan that they were given, then went to each one of the neighboring properties and set a square on there that they made six feet tall to make sure they had the right eye level. He explained that not much of it would be seen with a straight 50-millimeter lens so they actually widened it a little bit to show the entire hill in order to get a sense of what it looked like in the distance.

Mr. Gorny stated that when they built the computer model, Photoshop gave them the exact lens that they had when they were looking at the view, and they were able to set the camera in the computer model to have the exact same lens; so they knew that when they built the computer model, they were looking from the same exact spot. He continued that they basically set their camera on top of that square; they looked in the same direction and set the camera exactly the same, and then from there, they basically took out the skies and were laying it in. He indicated that he believed it was a 45-millimeter lens because they were going the other way to a slightly wide angle as otherwise, one would only see the size of the hill and did not get a sense as to what was at the sides of it. He added that they also wanted to make sure they had both houses in each one of these.

#### **THE PUBLIC HEARING WAS CLOSED.**

Commissioner O'Connor asked staff to comment on the location of one of those homes being put at the top of the hill and the grading of the hill and why staff would consider that to be their preferred spot. He stated that he thinks they are weighing trees versus locations and how far off the top of the hill is from the original "blob" on the map. He noted that this is a very large property and inquired if there were no other alternative to get a roadway that would not affect the trees while leaving the homes down where they originally were.

Ms. Stern replied that the map shows the road meandering between the trees. She added that the angle also needs to be considered as a reasonable slope has to be maintained for any emergency vehicles to get up there. She indicated that there may be a way to adjust the road a little bit but there is not too much latitude to do so.

Commissioner O'Connor inquired if there is an alternative that might remove one tree as opposed to three, four, five, or six trees.

Mr. Dolan replied that there probably is an alternative that would change the number of trees to be removed, and the height on the hill versus the location of the road. He noted, however, that these are not the only two variables; the distance between the homes, the size of the homes, and the space they would take are also variables. He added that he is not sure calling that one home as being placed on the top of the hill is exactly accurate as it is farther up the hill.

Commissioner Allen stated that when the Alternatives were created, it looks like the underlying assumption was a westerly road, which was common to all of the Alternatives. She noted that this raises the question of if there were two properties that were lower on the hill but had an easterly road similar to the proposed plan, whether that might potentially be an option that would minimize the damage to the trees and help save them.

Ms. Stern replied that Exhibit B shows that down the hill a bit further are the tree outlines which are pretty much all over. She added that maybe some of those trees are smaller or less visible, and it might be possible to look into that. She noted that this is a Work Session, and these ideas can be considered.

Chair Pearce agreed that because this is a Work Session, discussions can be less exacting than normal. She indicated that the Commission can go through the discussion points and ask questions of staff as they come and have a conversation about them.

***1. Does the Planning Commission support the applicants' proposal for siting the homes, or is there a preference for Alternatives 1, 2 or 3?***

Commissioner Allen stated that, as a background, she visited the site twice and that this is the first time she has been exposed to the property. She noted that she walked the site from the perspective of a pedestrian and a bicyclist and a resident, and then walked the site with staff for about an hour and a half actually looking at each of the Alternatives. She indicated that given that, she does not support any one of the Alternatives purely but would support something that would be a blending of the proposal and a blending of Alternative 3. She stated that that would mean lowering the house that is right now located toward the top to be more in line with where the lower property is. She noted that she thinks that would have less visual impact to everyone and little more of a clustering, and assumes an easterly alignment of the road in a way that protects those heritage trees.

Commissioner Olson stated that he supports the applicant's proposal and none of the other Alternatives.

Commissioner O'Connor agreed with Commissioner Allen and stated that he is more inclined to follow the applicant's proposal. He stated that the visuals are pretty clear: if the upper home is not at the top of the hill, it is pretty close to it for breaking blue sky and quite a way away from the original "blob." He indicated that he knows there is some flexibility with "blobs" but that he would prefer not to have the home so visually exposed. He added that he would also like to protect as many of these heritage oaks as possible and would rather see a little more work with where the road is sited without doing much damage to those trees; the tradeoff would be making the homes less visible.

Commissioner Ritter stated that he supports the proposed plan as it disturbs the least amount of area and leaves it the most natural-looking without removing any heritage trees. He noted that it appears the applicant has met all the zoning and Specific Plan requirements, based on his proposed plan that was there before any changes of a sort could be made. He added that based on the photos, the homes appear to fit in pretty well and looked aesthetically pleasing.

Commissioner Posson stated that he generally supports the applicant's siting and does not prefer any particular Alternative. He indicated that he thinks some additional work needs to be done, especially taking a look at the Specific Plan Residential Design Standards, the concerns brought up by Mr. Reeves regarding siting, lot line, and those types of things. He added that he would like to study the Specific Plan a little bit more to see whether or not the alignment, as proposed, conforms with that or not.

Chair Pearce stated that she thinks she is the only member of the Planning Commission that was a survivor of the "blob" discussions. She recalled the discussion that "blobs" were going to be conceptual rather than specific. She indicated that she is not a big fan of houses on top of hills because of the visual impact. She stated that she understood that when the houses are situated in that way, they sometimes have less of an environmental impact; however, she would prefer to mitigate the visual impact and have them in a less environmentally sensitive area, impacting less trees and involving less grading. She noted that taking a look at the number of trees impacted, the amount of disturbed area, and things of that nature, her inclination is to support the proposed plan with regard to the siting and then have conversations about how to mitigate that visual impact.

## ***2. Is the proposed road alignment acceptable?***

Commissioner Posson stated that he has no preference one way or another.

Commissioner Ritter stated that he does like the idea of not making it downward to the Silver Oak residents and that he would like an option that would make the road come up around another way.

Commissioner O'Connor stated that he actually thought it was a good alignment because it gave some separation between homes and thought that would probably be more acceptable. He noted that he did hear some people say it was not what they liked but he thought that would give them a little more privacy than the Alternatives.

Commissioner Olson stated that he supported the proposed road alignment. He inquired if this would be a private or public road and indicated that he thinks it ought to be private and gated.

Ms. Stern replied that in terms of the classification in the Specific Plan, it was actually shown as a public road that would have been wider. She noted that staff is supporting a private road that would be narrower and added that she does not know if the applicant wishes to have it gated or not.

Commissioner Allen stated that she supported the applicant's proposal for the road alignment.

Chair Pearce stated that she also supports the applicant's proposal. She noted that the road alignment appears to be sensitive and that moving it more westerly would impact the property on the other side.

### ***3. Is the proposed building height specified in the Design Guidelines acceptable?***

Commissioner Olson stated that he has always been in favor of the step design. He added that he does not have a problem with the specified building heights.

Commissioner O'Connor stated that he does not have any concerns either. He noted that stepping could give the house a taller visual look to it and that the Commission has been through this before; however, on the hillsides, stepping would do less damage with less grading to the hillside, so he is fine with it.

Commissioner Ritter agreed.

Commissioner Posson stated that he was fine with it.

Commissioner Allen also indicated that she was fine with it.

Chair Pearce agree with Commissioner O'Connor that it is more environmentally sensitive. She added that the flat pad does not make any sense, and the visual impact can be mitigated. She noted that the best way to protect the hills is to be environmentally sensitive.

**4. *Is the proposed maximum floor area acceptable?***

Commissioner O'Connor said yes, given the size of the lots.

Commissioner Ritter stated that he thinks it is very reasonable, given that they are very similar and actually proportionally smaller-sized based on their acreage.

Commissioners Posson, Allen, and Olson stated that they were also fine with it.

Chair Pearce stated that she was fine with it as well.

**5. *Should additional photomontage viewpoints be included?***

Commissioner Ritter said no.

Commissioner Posson stated that in light of the visual concerns of the neighbors, a little bit more would be of value as it would give the Commission and the public a little bit more sense of what it is going to look like once it is developed.

Chair Pearce stated that when the Commission talks about having additional viewpoints, staff and the applicant are given direction on where the Commission would like the viewpoints to come from. She asked Commission Posson if he had a sense of what he is looking for.

Commissioner Posson replied that he does not. He added that he thinks the more they can simulate what it would look like from Silver Oaks, the better it would be, especially in light of what the Commission heard from the residents tonight.

Commissioner Allen indicated that she supports additional viewpoints as well. She suggested stakes for the proposed plan, especially if the upper house were brought down a little bit. She stated that it might help to have an additional two or three scenarios that people could really look at to see if one scenario is better than another.

Commissioner Olson stated that he thought the pictures were good. He agreed that it probably would be helpful for the people in the area who have concerns to check a few other viewpoints on this.

Chair Pearce agreed. She stated that she certainly liked what were given to the Commission, except for the conceptual one that had the violent green on it, which she assumes is still a draft. She indicated that she would support more viewpoints if there are specific things that neighbors are looking for and that it might be good for the applicant to check in with them to mollify concerns about the visuals.

Commissioner O'Connor stated that he was fine with what was submitted, based on what the proposals were. He added that he would like to see a couple of options if the

upper house were moved down, and given the concerns of the neighbors, it would be good to have one or two view shots from even their backyard to see what the exposure is going to be from those homes.

**6. *Are there any other concerns the Planning Commission has about this proposal?***

None of the Commissioners had any other concerns.

Chair Pearce stated that the Commission has discussed the major points and thanked everyone.

- b. PUD-96/ P13-1928, Pleasanton Gateway, L.L.C. (Scott Trobbe)  
Applications for: (1) Planned Unit Development (PUD) Development Plan to construct 210 apartment units, 97 single-family detached units, and related on- and off-site improvements on an approximately 26.72-acre site located at 1600 Valley Avenue (south side of the Pleasanton Gateway Shopping Center); and (2) Development Agreement for the project. Zoning for the property is PUD-HDR and MDR (Planned Unit Development-High Density Residential and Medium Density Residential) District.**

This item was continued to the August 14, 2013 Meeting.

- c. PUD-81-30-55M/PUD-85-8-27M, City of Pleasanton  
Application for a Major Modification to PUD-81-30 and PUD-85-08 to address residential development and how it affects the developable square footage in the Hacienda Business Park. Zoning for the property is PUD-I/C-O (Planned Unit Development -Industrial/Commercial-Office), PUD-MU (Planned Unit Development – Mixed Use), and PUD-HDR (Planned Unit Development – High Density Residential) Districts.**

This item was continued to the August 14, 2013 Meeting.

**7. MATTERS INITIATED BY COMMISSION MEMBERS**

No discussion was held or action taken.

**8. MATTERS FOR COMMISSION'S REVIEW/ACTION/INFORMATION**

**a. Future Planning Calendar**

No discussion was held or action taken.

## **b. Actions of the City Council**

No discussion was held or action taken.

## **c. Actions of the Zoning Administrator**

No discussion was held or action taken.

## **d. Matters for Commission's Information**

### Historic Preservation Task Force

Chair Pearce stated that they had a great Historic Preservation Task Force meeting and discussed the Council's direction. She noted that there was a variety of elements that the Council was not generally supportive of, such as establishing a District and the concept of local standards. She noted, however, that the Council was supportive of doing an inclusive survey and of altering the definition of demolition, and would like more information on the concept of demolition by neglect. She asked Mr. Dolan what she was missing.

Mr. Dolan replied that the Council did not support any additional design review requirements or an incentive through the Mills Act Program.

Chair Pearce stated that the Task Force will be modifying those to reflect Council direction. She noted that the Task Force may be having only a couple more meetings and should be done by the end of the year.

With respect to Council's direction opposing the creation of a District, Commissioner O'Connor inquired if it would be done one by one if someone wanted to change the look of a building on Main Street.

Chair Pearce clarified that the commercial corridor has been excluded from this discussion and that this only pertains to residential.

Commissioner O'Connor inquired if the Council is supportive of a District for the commercial corridor.

Chair Pearce said no.

Mr. Dolan stated that it was completely removed from consideration, and the rules stay as they are.

Commissioner O'Connor inquired if it would be done one by one then if someone wanted to change or tear down a building.

Chair Pearce said yes; the regulations stay as they are for commercial.

Commissioner O'Connor noted that the Council did not want a District for residential either.

Chair Pearce reiterated that the Council is not supportive of the concept of a District.

Commissioner O'Connor inquired if the Council is supportive of preserving older homes or not.

Chair Pearce replied that the Council is very supportive of the Task Force and the work that the Task Force has done. She explained that after the Task Force completes its work, it will come before the Commission, and then to the City Council.

Commissioner Ritter request confirmation that if someone comes up and wants to develop a property and to tear down this old house, the Planning Commission would use the guidelines that the Task Force has been given before it is sent to the City Council.

Chair Pearce deferred to Mr. Dolan for a response.

Mr. Dolan stated that there are three very helpful things that the Council asked the Task Force to continue to work on and further develop, and it seemed inclined to adopt them: (1) Decide on a definition of demolition which some of the more senior, or more tenured, Planning Commissioners know was something they have struggled with. (2) Work on some clarifications to the existing language in the Downtown Specific Plan and the Design Guidelines to eliminate some of the spots where the Commission has gotten hung up on before, such as "*What makes a house compatible with the neighborhood or the house next door?*" (3) The Council is were supportive of spending the money on a survey so that there are less unknowns to people when they purchase a house regarding whether or not it is considered historically significant. He added that there is not the hold up or the expense on doing studies except for additions, when staff may sometimes need an outside expert to determine whether the addition is done the right way in compliance with Secretary of the Interior's standards.

Commissioner O'Connor inquired if doing a survey means taking a date and making it older homes or some kind of a heritage home.

Mr. Dolan replied that the Council is talking about a date, and each home that is older than that date will be evaluated to determine whether or not it meets the criteria for historical significance. He added that the owners or applicants can always dispute the conclusion with more work on their own dime, but the City will have a default.

Commissioner O'Connor inquired, if the date were, say, 1950, and he has a home that was built in 1949, if he can raise his hand and have them look at his home because he does want to be included.

Mr. Dolan said no. He explained that when the survey is completed, and someone's home is a little older and built in 1940, and the conclusion is that it does meet the standards, it is eligible for the California Register. He added that considering the City's own historical context, the City would have a new resource document to help those studies and that is the conclusion of that evaluator who is very highly qualified.

Commissioner O'Connor stated that what he is trying to understand is that if a date is picked, 1940 for example, if the consultant is going to go beyond that or if it is just going to be anything older than 1940. He questioned if a square box built in 1940 would be considered some structure that is going to get special attention and if there would be an exception process if someone wanted to do something with that square box.

Mr. Dolan replied that most likely with the square box, unless George Washington slept there, would not meet the criteria for eligibility on the California Register, and then, therefore, would not be considered a significant resource. He noted that that building could just as well be built in 1970 and does not have any restrictions on it. He added that what might replace it would have the whole package of restrictions from the Downtown Specific Plan and Design Guidelines, and it will have a more tightened up version of those that it would have to comply with.

Commissioner O'Connor stated that most homes that are over a certain age do not fit the California Registry. He noted that the Commission has had people go out and do studies on homes that the Commission thinks are really nice looking, such as a Victorian or something similar, and the consultant concludes that they do not meet the Registry guidelines; and the Commissioners all look at one another and ask if they really do not want to save those houses.

Mr. Dolan explained that the Council wanted to hear a little more information about local standards that might tighten that up but, basically, a minority of the Council asked for more information that we are providing. He continued that the Council talked about adding a year that is a local standard, and it is possible that the conclusion of the evaluation may be affected in some small way by the availability of the Context Statement that was adopted or that was prepared which just provides more information on the history of architecture in Pleasanton. He added that the Council did not advise going toward capturing a whole bunch more homes.

#### City Council Meeting

Mr. Dolan stated that the City Council is having a Special Meeting on August 6<sup>th</sup> with only one item: the Auf der Maur proposal.

#### **e. Selection of an additional Planning Commissioner to serve on a subcommittee to assist with implementation of the Climate Action Plan**

Chair Pearce stated that one more Planning Commissioner is needed for this Subcommittee and asked who among the Commissioners would like to do that.

Commissioner O'Connor asked who is already on the Subcommittee.

Mr. Dolan replied that Commissioner Posson would like to be on it and that everybody agreed to that.

Commissioner Olson indicated that he would do it.

**Chair Pearce nominated Commissioner Olson to serve on a subcommittee to assist with implementation of the Climate Action Plan.  
Commissioner O'Connor seconded the motion.**

**ROLL CALL VOTE:**

AYES: Commissioners Allen, O'Connor, Pearce, Posson, Ritter.  
NOES: None.  
ABSTAIN: Commissioner Olson.  
RECUSED: None.  
ABSENT: None.

**9. ADJOURNMENT**

Chair Pearce adjourned the Planning Commission meeting at 8:23 p.m.

Respectfully,

JANICE STERN  
Secretary